



DOCKET NO: C1041.70016US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bauer et al.
Serial No: 09/954,987
Confirmation No: 7680
Filed: September 17, 2001
For: PROCESS FOR HIGH THROUGHPUT SCREENING OF
CpG-BASED IMMUNO-AGONIST/ANTAGONIST

Examiner: Carolyn L. Smith
Art Unit: 1631

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 16th day of July, 2004.

Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications (copies enclosed) that may contain subject matter related to this application:

| <u>Serial Number</u> | <u>Filing Date</u> | <u>Inventor</u> | <u>Docket Number</u> |
|-------------------------|--------------------|------------------|----------------------|
| 10/769,282 | January 30, 2004 | Krieg et al. | C1039.70048US01 |
| ¹ 10/769,626 | January 30, 2004 | Krieg et al. | C1039.70083US01 |
| ¹ 10/787,737 | February 26, 2004 | Krieg et al. | C1039.70083US02 |
| ¹ 10/788,191 | February 26, 2004 | Krieg et al. | C1039.70083US04 |
| ¹ 10/788,199 | February 26, 2004 | Krieg et al. | C1039.70083US03 |
| ¹ 10/789,051 | February 26, 2004 | Krieg et al. | C1039.70083US06 |
| ¹ 10/789,353 | February 26, 2004 | Krieg et al. | C1039.70083US07 |
| ¹ 10/789,536 | February 26, 2004 | Krieg et al. | C1039.70083US05 |
| 10/811,226 | March 26, 2004 | Wagner et al. | C1041.70005US01 |
| 10/816,220 | April 1, 2004 | McCluskie et al. | C1037.70039US01 |
| ² 10/817,165 | April 2, 2004 | Krieg et al. | C1039.70048US02 |
| ² 10/831,647 | April 23, 2004 | Krieg et al. | C1039.70048US03 |
| 10/831,775 | April 23, 2004 | Davis et al. | C1039.70058US01 |
| 10/831,778 | April 23, 2004 | Bratzler et al. | C1037.70013US01 |
| 10/838,659 | May 3, 2004 | Davis et al. | C1039.70057US01 |
| ² 10/847,642 | May 15, 2004 | Krieg et al. | C1039.70048US04 |
| ¹ 10/847,650 | May 15, 2004 | Krieg et al. | C1039.70083US08 |
| 10/872,196 | June 18, 2004 | Lipford et al. | C1041.70036US01 |

¹Copy not enclosed; see C1039.70083US01, Serial No. 10/769,626 for identical specification

²Copy not enclosed; see C1039.70048US01, Serial No. 10/769,282 for identical specification

³Copy not enclosed; see C1041.70002US03, Serial No. 10/876,892 for identical specification

| <u>Serial Number</u> | <u>Filing Date</u> | <u>Inventor</u> | <u>Docket Number</u> |
|-------------------------|--------------------|-----------------|----------------------|
| 10/876,892 | June 25, 2004 | Wagner et al. | C1041.70002US03 |
| ³ 10/876,965 | June 25, 2004 | Wagner et al. | C1041.70002US02 |
| ³ 10/877,369 | June 25, 2004 | Wagner et al. | C1041.70002US01 |
| ² 10/877,407 | June 24, 2004 | Krieg et al. | C1039.70048US05 |
| 10/884,372 | July 2, 2004 | Bauer et al. | C1041.70016US01 |

¹Copy not enclosed; see C1039.70083US01, Serial No. 10/769,626 for identical specification

²Copy not enclosed; see C1039.70048US01, Serial No. 10/769,282 for identical specification

³Copy not enclosed; see C1041.70002US03, Serial No. 10/876,892 for identical specification

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

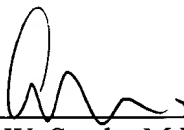
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Bauer et al., *Applicant*

By: 
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